

# PAN AM SOUTHERN LLC

1700 IRON HORSE PARK  
NORTH BILLERICA, MA 01862-1681

RECEIVED  
JUN 18 2012  
MAINTENANCE  
STB

June 14, 2012

Ms. Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20024

232462

232463

Re: **STB Docket No. AB-1098 – Pan Am Southern, LLC and Docket No. AB-355 (Sub No. 41X) Springfield Terminal Railway Company – Abandonment and Discontinuance of Service – Heywood Branch – Worcester County, MA – Verified Notice of Exemption**

Dear Ms. Brown:

Enclosed for filing with the Board in the subject dockets is an original and ten (10) copies of Pan Am Southern, LLC's and Springfield Terminal Railway Company's Verified Notice of Exemption for abandonment and discontinuance of service over the Heywood Branch. Also enclosed is a check totaling \$7,200.00 for the filing fees.

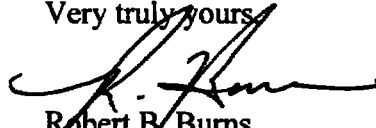
Should you have any questions in regard to this filing, please do not hesitate to contact the undersigned at (978) 663-1215. Thank you in advance for your assistance in this matter.

ENTERED  
Office of Proceedings

JUN 18 2012

Part of  
Public Record

Very truly yours,



Robert B. Burns  
Legal Counsel  
Boston and Maine Corporation

Encl.

**FILED**

JUN 18 2012

SURFACE  
TRANSPORTATION BOARD

**FILED**

TRANSPORTATION BOARD

BEFORE THE  
SURFACE TRANSPORTATION BOARD

2  
6-10-12  
18  
NO. 1000000

DOCKET NOS.:

AB 1098X 232462  
AB 355 (Sub No. 41X) 232463

PAN AM SOUTHERN, LLC. AND  
SPRINGFIELD TERMINAL RAILWAY COMPANY  
--ABANDONMENT AND DISCONTINUANCE OF SERVICE--  
HEYWOOD BRANCH, WORCESTER COUNTY, MASSACHUSETTS

VERIFIED NOTICE OF EXEMPTION

**FEE RECEIVED**

JUN 18 2012

ENTERED  
Office of Proceedings

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Part of  
Public Record

SURFACE  
TRANSPORTATION BOARD

**FILED**

JUN 18 2012

SURFACE  
TRANSPORTATION BOARD

Robert B. Burns, Esq.  
Corporate Counsel  
Iron Horse Park  
North Billerica, MA 01862

Counsel for:  
PAN AM SOUTHERN, LLC  
SPRINGFIELD CORPORATION  
RAILWAY COMPANY

Dated: June 14, 2012

BEFORE THE  
SURFACE TRANSPORTATION BOARD

DOCKET NOS.:

AB 1098X  
AB 355 (Sub No. 41X)

PAN AM SOUTHERN, LLC. AND  
SPRINGFIELD TERMINAL RAILWAY COMPANY  
--ABANDONMENT AND DISCONTINUANCE OF SERVICE--  
HEYWOOD BRANCH, WORCESTER COUNTY, MASSACHUSETTS

VERIFIED NOTICE OF EXEMPTION

Pan Am Southern, LLC ("PAS") and Springfield Terminal Railway Company ("ST") (collectively the "applicants") files this Verified Notice of Exemption pursuant to the Board's regulations at 49 C.F.R. §1152.50. This Notice of Exemption seeks to abandon and discontinue service by PAS and ST over a line of railroad known as the Heywood Branch in Gardner, MA extending from milepost 26.98 to milepost 27.29 (the "Line") in Worcester County, Massachusetts. No local rail traffic has moved over the Line during the past two years. Any overhead rail traffic can be rerouted over other rail lines. In accordance with the aforementioned regulations, applicants make the following responses:

RESPONSE TO 49 C.F.R. SECTION 1152.50(d)(2):

1. Proposed Consummation Date.

The proposed consummation date of this abandonment and discontinuance is on or about August 25, 2012.

2. Certification Required in Section 1152.50(b).

The required certification is set forth as **Exhibit B** to this Notice of Exemption.

3. Information required in Section 1152.22(a)(1-4),(7),(8) and (e)(4).

(a) General.

(1) Exact name of applicant(s).

Pan Am Southern, LLC; and  
Springfield Terminal Railway Company

- (2) Whether applicant is a common carrier by railroad subject to the Interstate Commerce Act.

PAS and ST are common carriers by railroad subject to the Interstate Commerce Act.

- (3) Relief sought.

PAS and ST seek to abandon and discontinue service over the line.

- (4) Detailed map of the line.

Map is attached hereto as **Exhibit A**

- (7) Name, title and address of representative of applicant to whom correspondence should be sent.

Robert B. Burns, Esq.  
Corporate Counsel  
Iron Horse Park  
North Billerica, MA 01862

- (8) United States Postal Zip Codes that the line traverses.

Zip Code(s): 01440 (Gardner, MA)

- (e) Rural and community impact.

- (4) Statement of whether the properties proposed to be abandoned are suitable for use for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

Applicants are unsure about the suitability of the Line for public non-rail purposes. As of the effective date of this abandonment, Applicants' intent is to salvage the rail material and the real property may be sold off to interested parties.

4. The Level of Labor Protection

Applicants understand that, in exempting the proposed abandonment and discontinuance, the Board does not relieve the carrier of its statutory obligation to protect the interests of employees. See 49 C.F.R. § 1152.50(c). Accordingly, the Applicants anticipate that the Board will impose the conditions set forth in Oregon Short Line R. Co. –Abandonment- Goshen, 360 I.C.C. 91 (1979), for the benefit of employees who may be adversely affected by the proposed abandonment and discontinuance.

5. Certificate of Compliance with the Notice Requirements of Section 1152.50(d)(1).

The required certificate is set forth as **Exhibit C** to this Notice of Exemption.

6. Environmental Report and Historical Report.

The Environmental /Historical Report required by 49 C.F.R. 1105.7 and 1105.8 is attached as **Exhibit D** to this Notice of Exemption. Attached, as **Exhibit C**, is a certificate affirming Applicants' compliance with 49 C.F.R. 1105.11, 1105.7 and 1105.8.

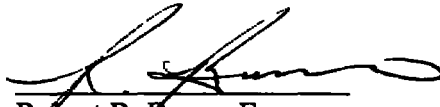
7. Newspaper Notice.

The Newspaper Notice required by 49 C.F.R. 1105.12 was published on June 9, 2012, in the Worcester Telegram and Gazette. An affidavit/certification from this newspaper is attached as **Exhibit C**.

8. Verification.

The required verification is set forth as **Exhibit E** to this Notice of Exemption.

Respectfully submitted,



Robert B. Burns, Esq.  
Corporate Counsel  
Pan Am Southern, LLC  
Springfield Terminal Railway Company  
Iron Horse Park  
North Billerica, MA 01862

Counselor for:  
Pan Am Southern, LLC  
Springfield Terminal Railway Company

Dated: June 14, 2012

Attachments: Exhibit A -- Map  
Exhibit B -- Certificate of Compliance with 49 C.F.R. §1152.50(b)  
Exhibit C -- Certificate of Compliance with 49 C.F.R. §1152.50(d)(1) and  
§1105.7, §1105.8 and §1105.11.  
Exhibit D -- Environmental/Historical Report  
Exhibit E -- Verification

# **EXHIBIT A**

[illegible]

Office of the Vice President - Engineering  
Proposed Abandonment and Discontinuance  
Of Track between M.P. 26.98 and M.P. 27.29

Gardner, MA

March 3, 2012 Scale: 1"=1,000'

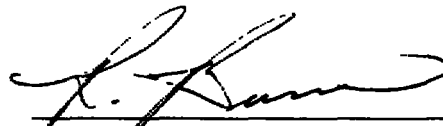


## **EXHIBIT B**

**EXHIBIT B**

**CERTIFICATION REQUIRED**  
**IN 49 C.F.R. SECTION 1152.50(b)**

In accordance with 49 C.F.R. Section 1152.50(b), I, Robert B. Burns, hereby certify that, with respect to the line, which is the subject of the Notice of Exemption in Docket No. AB 1098X and AB 355 (Sub No, 41X): (1) no local traffic has moved over the line for at least two years prior to the date hereof; and (2) there is no overhead traffic on the line; and (3) no formal complaint filed by a user of rail service on the line (or state or local agency acting on behalf of such user) regarding cessation of service over the line is either pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period prior to the date hereof. The foregoing certification is made on behalf of the Pan Am Southern, LLC and Springfield Terminal Railway Company by the undersigned after due and careful investigation of the matters herein certified and based on the best knowledge, information and belief of the undersigned.

  
Robert B. Burns, Esq.

Dated: June 14, 2012

## **EXHIBIT C**

**CERTIFICATE OF COMPLIANCE WITH  
NOTICE REQUIREMENTS OF  
49 C.F.R. §1152.50(d)(1)  
AND  
49 C.F.R. §1105.11  
AND  
49 C.F.R. §1105.7  
AND  
49 C.F.R. 1105.8**


In accordance with 49 C.F.R. Section 1152.50 (d) (2), I hereby certify that:

(A) On May 21, 2012, at least 10 days prior to the date of filing of the Notice of Exemption to which this certificate is attached, I caused to be served by U.S. first class mail, postage pre-paid, the notice required by 49 C.F.R. Section 1152.50(d)(1), upon the following: (i) the Public Service Commission (or equivalent agency) in the State(s) where the line will be abandoned or the service of trackage rights discontinued; (ii) Department of Defense (Military Traffic Management Command Transportation Engineering Agency, Railroads for National Defense Program); (iii) National Park Service, Recreation Resources Division; and (iv) U.S. Dept. of Agriculture, Chief of Forest Service.

(B) On May 16, 2012, I complied with all the requirements of the provisions of 49 C.F.R. §1105.7 and §1105.8, and §1105.11 as set-forth therein, including but not limited to, by serving (at least 20 days prior to filing the Notice of Exemption) a copy of the Environmental/Historical Report upon the parties listed in §1105.7(b), and/or the appropriate State Historic Preservation Officer(s), as required by §1105.11, via First Class Mail, postage prepaid.

(C) In accordance with 49 C.F.R. § 1105.7(c), I hereby certify that with respect to the line, which is the subject of the Notice of Exemption filed herewith, and pursuant to 49 C.F.R. 1105.12, I have published a notice in a newspaper of general circulation in each county in which the line is located before the date of the Notice of Exemption was filed (see attached certification of the Worcester Telegram and Gazette).

Dated: June 14, 2012

  
Robert B. Burns

## ***Affidavit***

To Whom It May Concern:

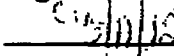
This is to confirm that the Worcester Telegram & Gazette published a legal advertisement for: Springfield Terminal Railway regarding Pan Am Southern, LLC and Springfield Terminal Railway Company did run on June 9, 2012.

If you have any questions regarding this matter, please feel free to call Monday through Friday from 8:00 a.m. to 4:30 p.m. at (508)793-9393 choose option 3 or by faxing (508)793-9315.

Sincerely,

  
Theresa M. Hwalek, Legal Department  
Worcester Telegram & Gazette

Sign/Date:



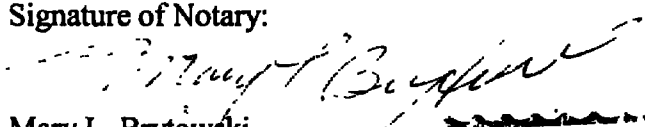
### **Acknowledgement**

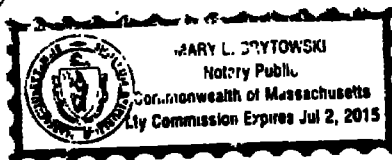
Commonwealth of Massachusetts

County of Worcester

On this 11<sup>th</sup> day of June, 2012, before me, the undersigned Notary Public, personally appeared Theresa Hwalek, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed above and acknowledged to me that she signed it voluntarily for its stated purpose(s).

Signature of Notary:

  
Mary L. Brytowski  
My commission expires:



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Worcester Telegram & Gazette, 20 Franklin St., Worcester, MA 01608  
(508)793-9393 Option 3

Type: Standard  
Created: June 7, 2012 11 19 48 AM  
Created By: rburns@panam.com  
Approved: June 7, 2012 12:25 17 PM  
Approved By: garakelian@telegram.com  
Category: Legal Notices  
Classification: 150 - Legal Notices  
Package: Legal Notices 1 column - 1 Day  
Package Price: \$20.49  
Sub-Total: \$194.57  
Total: \$194.57  
GUID: 408C07B40ed2812065JVp318D14D

Start: Jun 08, 2012 End: Jun 08, 2012

#### Preview

#### NOTICE OF INTENT TO ABANDON AND TO DISCONTINUE RAIL SERVICE

Pan Am Southern, LLC and Springfield Terminal Railway Company hereby give notice that on or about June 15, 2012, they intend to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152.50(d)(1) —Exempt Abandonments - permitting the abandonment of and discontinuance of service of a .31 mile line of railroad between railroad milepost 26.98 to milepost 27.29, which traverses through United States Postal Service ZIP Codes: 01440, (Gardner, MA) in Worcester County, Massachusetts. The proceeding will be docketed as No. AB - 1098X and AB - 355 (Sub No. 41X)

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0296. Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs and Compliance at (866) 254-1792. Copies of any comments or requests for conditions should be served on the applicant's representative:

Robert B. Burns, Esq.  
Corporate Counsel  
Pan Am Southern  
Springfield Terminal Railway Company  
1700 Iron Horse Park

## **EXHIBIT D**

**HEYWOOD BRANCH**

**ENVIRONMENTAL/HISTORICAL REPORT**

**Docket Nos. AB 1098X and AB 355 (Sub. No. 41X)**

**I. ENVIRONMENTAL REPORT**

The following information is provided in accordance with 49 C.F.R. § 1105.7 (e):

**(1) Proposed Action and Alternatives**

The Pan Am Southern, LLC and Springfield Terminal Railway Company (the “Applicants”) propose to abandon and discontinue service over an approximate .31 mile portion of the so-called “Heywood Branch” line of railroad (the “Line”) located in Gardner, Worcester County, Massachusetts. A map of the proposed abandonment and discontinuance has previously been provided to all parties receiving this report, and is attached as Exhibit A hereto.

Due to the inability to generate traffic over the Line, there is no reasonable alternative to abandonment and discontinuance.

**(2) Transportation System**

There will be no substantial effect on existing regional or local transportation systems or patterns.

There is no passenger or freight traffic on the Line. Any traffic previously moving over the Line was rerouted well more than two years ago.



(3) **Land Use**<sup>1</sup>

- (i) The Applicants believe that the proposed action is consistent with and in furtherance of local land use plans.
- (ii) The Applicants believe the proposed action will have no effect or adverse impact on any prime agricultural land.
- (iii) This action is outside the boundary of the Massachusetts coastal zone.
- (iv) Applicants are unsure whether the right-of-way is suitable for alternative public use under 49 U.S.C. 10906.

(4) **Energy**

- (i) The transportation of energy resources will not be effected by the proposed action.
- (ii) The proposed action will have no effect on the movement and/or recovery of recyclable commodities.
- (iii) The proposed action will increase overall energy efficiency in that it will allow Applicants to eliminate their potential responsibility for costly and energy-consuming maintenance operations for this unused portion of line.
- (iv) The proposed action will not cause a diversion from rail to motor carrier in excess of the threshold levels set forth at § 1105.7 (e)(4)(iv)(A) or (B).

(5) **Air**

The proposed action will not result in any of the increases set forth at § 1105.7 (e)(5).

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<sup>1</sup> The Applicants attach to this Environmental/Historical Report as an Appendix, all correspondence received from federal, state, and local authorities and agencies in response to the Applicants' request for comments regarding the proposed abandonment/discontinuance of service.

(6) **Noise**

The proposed action will not result in or exceed any of the thresholds set forth at § 1105.7 (e) (6).

(7) **Safety**

(i) The proposed action will have no adverse effect on public health and safety.

(ii) No hazardous materials will be diverted to highway transportation.

(iii) No known hazardous waste sites or spills exist on the Line.

(8) **Biological Resources**

(i) Applicants know of no endangered or threatened species or critical habitats that will be affected by the proposed action. The Applicants previously requested comments from the New England Region, U.S. Fish and Wildlife Service in this regard. The Service has responded to Applicants with "... no federally-listed or proposed, threatened or endangered species or critical habitat under the jurisdiction of the U.S. Fish and Wildlife Service as being known in the project area".

(ii) Applicants believe no national or state parks or forests will be affected by the proposed action.

(9) **Water**

(i) The Applicants contemplate no action inconsistent with federal, state and/or local water quality standards.

(ii) The Applicants do not believe the proposed action will require any permits under § 404 of the Clean Water Act. Salvage operations are expected to be undertaken. There are no known swampy conditions located in the area of Mile Post 26.98 & Mile Post 27.29. There are no indications of environmental contamination. No designated

wetlands or 100-year flood plains will be affected by the proposed action.

(iii) It is not expected that permits under § 402 of the Clean Water Act will be required for the proposed action. However, rail salvage operations may be undertaken if feasible.

(10) **Proposed Mitigation**

Whereas no adverse environmental impacts are expected to result from the proposed action, no mitigation will be needed or is planned.

(11) **Additional Information for Rail Constructions**

The proposed action is not a rail construction proposal, therefore this section does not apply.

**II. HISTORIC REPORT**

The following information is provided in accordance with 49 C.F.R. § 1105.8 (d):

(1) **Maps**

A map of the line is attached hereto as Exhibit A.

(2) **Description of Right-of-Way**

The portion of Line at issue is approximately .31 miles in length. The width of the right-of-way varies from 30+/- feet to 82.50+/- feet in width. The attached topographic map indicates the Line's topography.

(3) **Photographs of Railroad Structures**

The Applicants know of no sites or structures on the Line that are 50 years or older or that are listed in the National Register of Historic Places. The Applicants have requested comments from the Massachusetts Historic Commission in regard to the anticipated effect of the proposed action on historical resources. The Historical Commission has responded by letter (attached) and has indicated that

their Inventory of Historic and Archaeological Assets of the Commonwealth identified no recorded historic properties in this project location. The MHC further recommended that the Applicant provide the project information to the City of Gardner Historical Commission ("GHC") for comment. The GHC has not provided any response to Applicants request for comments at this time.

Additionally, the City of Gardner Department of Community Development & Planning has responded stating that the City knows of no adverse effect that the project would have and the City does not object thereto.

(4) **Construction Dates**

The Applicants know of no sites or structures on the Line that are 50 years or older or that are listed in the National Register of Historic Places.

(5) **History of Operations**

No local or overhead traffic has moved over the Line for well over two years. The proposed abandonment will not effect carrier operations in the area.

(6) **Summary of Useful Documents**

The Applicants know of no sites or structures on the Line that are 50 years or older or that are listed on the National Register of Historic Places.

(7) **Opinion as to Historical Significance**

The Applicants know of no sites or structures on the Line that are 50 years or older or that are listed in the National Register of Historic Places. The Applicants have requested comments from the Massachusetts Historic Commission in regard to the anticipated effect of the proposed action on historical resources. The Historical Commission has responded by letter (attached) and has indicated that their Inventory of Historic and Archaeological Assets of the Commonwealth

identified no recorded historic properties in this project location. The MHC further recommended that the Applicant provide the project information to the GHC for comment. The GHC has not provided any response to Applicants request for comments at this time. Additionally, the City of Gardner Department of Community Development & Planning has responded stating that the City knows of no adverse effect that the project would have and the City does not object thereto. The Applicants are not aware of any culturally significant locations, archaeological sites or unique landforms located along the Line or that will be affected by the proposed action.

(8) **Description of Prior Subsurface Disturbance**

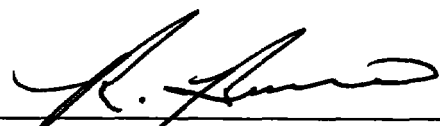
The Applicants know of no prior subsurface ground disturbances or fill, or environmental conditions that might affect the archeological recovery of resources and the surrounding terrain.

**III. CERTIFICATE OF SERVICE**

This certifies that the Applicants have served copies of this Environmental/Historical Report upon and, prior to such service, consulted, or attempted to consult, with the following parties:

\*\*\*\*\* **SEE ATTACHED SERVICE LIST BELOW** \*\*\*\*\*

Dated this 14<sup>th</sup> day of JUNE, 2012.

  
Robert B. Burns, Esq.

**Environmental/Historical Report Service List**  
**Heywood Branch – AB – 1098X and AB -355 (Sub. No. 41X)**

Debra Jean, CDBG  
Financial Assistant  
Department of Housing and  
Community Development  
One Congress Street, 10<sup>th</sup> Floor  
Boston, MA 02114

Regional Director  
Commonwealth of Massachusetts  
Department of Environmental Protection  
Northeast Regional Office  
205B Lowell Street  
Wilmington, MA 01887

Susan Snow-Cotter  
Commonwealth of Massachusetts  
Coastal Zone Management Program  
Executive Office of Environmental Affairs  
251 Causeway Street, STE 800  
Boston, MA 02114-2138

Natural Resources Conservation Service  
USDA  
451 West Street  
Amherst, MA 01002

Mayor's Office  
City of Gardner  
95 Pleasant St. - Room 125  
Gardner, MA 01440

State Historic Preservation Office  
Director of Architectural Review  
Massachusetts Historical Commission  
220 Morrissey Blvd.  
Boston, MA 02125

Charles LaHaye, Chairperson  
Gardner Historical Commission  
95 Pleasant Street  
Gardner, MA 01440

Stephan Perkins  
Office Director  
Office of Environmental Stewardship  
U.S. Environmental Protection Agency  
New England, Region 1  
1 Congress Street, STE 1100  
Boston, MA 02114-2023

Michael Bartlett  
New England Field Office  
U.S. Department of Interior  
Fish & Wildlife Service  
70 Commercial Street, STE 300  
Concord, NH 03301

Larry Rosenberg  
Chief, Public Affairs Office  
New England District  
U.S. Army Corps of Engineers  
696 Virginia Road  
Concord, MA 01742-2751

Regional Director  
Northeast Region  
National Park Service  
U.S. Customs House  
200 Chestnut Street, 5<sup>th</sup> Floor  
Philadelphia, PA 19106

District Conservationist  
USDA – NRCS  
319 Littleton Road, STE 205  
Westford, MA 01886-4133

Simon Monroe, Geodetic Tech  
Geodetic Services Division  
National Geodetic Survey  
NOAA, N/NGS-12  
1315 East-West Highway  
Silver Spring, MD 20910-3293

APPENDIX TO  
**ENVIRONMENTAL/HISTORICAL REPORT**



**The Commonwealth of Massachusetts**  
William Francis Galvin, Secretary of the Commonwealth  
Massachusetts Historical Commission

June 5, 2012

Catherine Glidden  
Environmental Protection Specialist  
Office of Environmental Analysis  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423-0001

RE: Heywood Branch Railroad Abandonment, Gardner, MA.  
**STB Docket Nos.: AB 32 (Sub No. 105X) and AB 1098X and AB 355 (Sub 41X).**  
MHC #RC.52321.

Dear Ms. Glidden:

The Massachusetts Historical Commission (MHC), office of the State Historic Preservation Officer, received additional information concerning the proposed undertakings referenced above. The information indicates that the Gardner Historical Commission did not comment on the project information provided to them.

The MHC recommends that the Surface Transportation Board make a finding of "no historic properties affected" (36 CFR 800.4(d)(1)) for these federal undertakings.

These comments are offered to assist in compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (36 CFR 800).

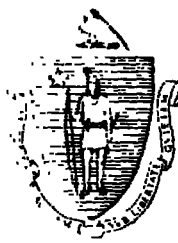
Sincerely,

A handwritten signature in black ink, appearing to read "Edward L. Bell".

Edward L. Bell  
Deputy State Historic Preservation Officer  
Massachusetts Historical Commission

xc: Robert B. Burns, PanAm Railways and Boston & Maine Corporation





**The Commonwealth of Massachusetts**  
William Francis Galvin, Secretary of the Commonwealth  
Massachusetts Historical Commission

April 3, 2012

Robert B. Burns  
Corporate Counsel  
PanAm Railways & PanAm Southern LLC  
1700 Iron Horse Park  
North Billerica MA 01862

RE: Heywood Branch Railroad Abandonment, Gardner, MA. **MHC #RC.52321.**  
Docket Nos.: AB 32 (Sub No. 105X) and AB 1098X and AB 355 (Sub 41X).

Dear Mr. Burns:

Thank you for your inquiry regarding the two contiguous projects referenced above. Review of the MHC's Inventory of Historic and Archaeological Assets of the Commonwealth identified no recorded historic properties in the two project locations.


The MHC recommends that you provide the project information to the Gardner Historical Commission for comment. The contact is:

Charles LaHaye, Chairperson  
Gardner Historical Commission  
95 Pleasant Street  
Gardner, MA 01440

A copy of any written comments should be provided to the Surface Transportation Board and to the MHC.

These comments are offered to assist in compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (36 CFR 800).

Sincerely,

  
Edward L. Bell  
Technical Services Division  
Massachusetts Historical Commission

xc:  
Surface Transportation Board  
Gardner Historical Commission



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

New England Field Office  
70 Commercial Street, Suite 300  
Concord, NH 03301-5087  
<http://www.fws.gov/newengland>

June 5, 2012

Reference:	<u>Project</u>	<u>Location</u>
	Railroad abandonment/discontinuance	Gardner, MA
	AB 1098X and AB355 (Sub No. 41X)	

Mr. Robert Burns  
Pan Am Southern LLC  
1700 Iron Horse Park  
North Billerica, MA 01862-1681

Dear Mr. Burns:

This responds to your recent correspondence requesting information on the presence of federally listed and/or proposed endangered or threatened species in relation to the proposed activity referenced above.

Based on information currently available to us, no federally listed or proposed, threatened or endangered species or critical habitat under the jurisdiction of the U.S. Fish and Wildlife Service are known to occur in the project area. Preparation of a Biological Assessment or further consultation with us under section 7 of the Endangered Species Act is not required. No further Endangered Species Act coordination is necessary for a period of one year from the date of this letter, unless additional information on listed or proposed species becomes available.

To obtain updated lists of federally listed or proposed threatened or endangered species and critical habitats, it is not necessary to contact this office. Instead, please visit the Endangered Species Consultation page on the New England Field Office's website:

[www.fws.gov/newengland/endangeredspec-consultation.htm](http://www.fws.gov/newengland/endangeredspec-consultation.htm)

On the website, there is also a link to procedures that may allow you to conclude if habitat for a listed species is present in the project area. If no such habitat exists, then no federally listed species are present in the project area and there is no need to contact us for further consultation. If the above conclusion cannot be reached, further consultation with this office is advised. Information describing the nature and location of the proposed activity that should be provided to us for further informal consultation can be found at the above-referenced site.

Mr. Robert Burns  
June 5, 2012

2

Thank you for your coordination. Please contact Maria Tur of this office at 603-223-2541, extension 12, if we can be of further assistance.

Sincerely yours,



Thomas R. Chapman  
Supervisor  
New England Field Office

cc: SEA, Washington, DC



United States Department of Agriculture

Natural Resources Conservation Service  
319 Littleton Road, Suite 205  
Westford MA 01886

978-692-1904 x3  
fax 978-392-1305  
[www.ma.nrcs.usda.gov](http://www.ma.nrcs.usda.gov)

April 17, 2012

Robert B. Burns, Esq., Corporate Counsel  
Springfield Terminal Railway Company  
Boston & Maine Corporation  
1700 Iron Horse Park  
North Billerica, MA 01862

**RE: Abandonment and Discontinuance of Service of Haywood Branch  
Docket Nos.: AB 1098X and AB 355 (Sub 41X)**

Dear Sir:

I am not aware of any adverse effect that the proposed abandonment and discontinuance of service of the above mentioned rail line will have on agricultural resources or businesses in the area.

Sincerely,

A handwritten signature in cursive script that reads "Kathryn Zichelle Sullivan".

Kathryn Zichelle Sullivan  
District Conservationist

## Burns, Robert

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**From:** Simon Monroe <simon.monroe@noaa.gov>  
**Sent:** Tuesday, April 24, 2012 11:34 AM  
**To:** Burns, Robert; Surface Transportation Board; Gilbert Mitchell; Simon Monroe  
**Subject:** NGS Response, STB Docket AB-32 (SUB NO. 105X)

> Thank you for sharing your railroad abandonment environmental report  
> for  
>  
> GARDNER, Worcester County, MASSACHUSETTS.  
>  
>  
>  
> Approximately 01 geodetic survey marks may be located in the area  
> described.  
> If marks will be disturbed by the abandonment, [THE RAILROAD] shall  
> consult with the National Geodetic Survey (NGS) at least 90 days prior  
> to beginning salvage activities that will disturb, or destroy any  
> geodetic station  
>  
> marks described on the attached file. Additional advice is provided  
> at <http://geodesy.noaa.gov/marks/railroads/>

|----|-----|-  
|---|-----|-|-----|-----|-----|---|-----

|....|MY0851|1 2|88/ADJUSTED|N423447.29166|W0715940.99430|D...|GARDNER

## **Burns, Robert**

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**From:** Dorfman, David P CIV (US) <david.p.dorfman.civ@mail.mil>  
**Sent:** Wednesday, May 30, 2012 11:40 AM  
**To:** Burns, Robert  
**Subject:** Address of the Railroads for National Defense Program (UNCLASSIFIED)  
**Signed By:** david.dorfman1@us.army.mil

Classification: UNCLASSIFIED

Caveats: NONE

Dear Mr. Burns,

Thank you for clarifying proposed abandonments AB 32 (Sub No 105X) and AB 1098X. Neither affects national defense, so we will have no comments on either one.

We have moved into our permanent building at Scott Air Force Base.

The address of the Railroads for National Defense Program is now:

Military Surface Deployment and Distribution Command  
Transportation Engineering Agency  
ATTN: SDTE-SA (Railroads for National Defense)  
1 Soldier Way, Building 1900W  
Scott AFB, IL 62225-5006

Yours truly,

David Dorfman, P.E.  
Senior Engineer  
Railroads for National Defense Program  
SDDC Transportation Engineering Agency  
1 Soldier Way, Building 1900W  
Scott AFB, IL 62225-5006  
Phone: 618-220-5741  
email: [david.p.dorfman.civ@mail.mil](mailto:david.p.dorfman.civ@mail.mil)

Classification: UNCLASSIFIED

Caveats: NONE

# **EXHIBIT E**

**EXHIBIT E**

**VERIFICATION**

**Commonwealth of Massachusetts )**  
**)**  
**Middlesex County )**

I, Robert B. Burns, being duly sworn, states that he is an Attorney for the Pan Am Southern, LLC and Springfield Terminal Railway Company; that he is authorized to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in Docket No. AB 1098X and AB 355 (Sub No. 41X) on behalf of the Pan Am Southern, LLC and Springfield Terminal Railway Company; that he has carefully examined all of the statements in the Notice of Exemption; that he has knowledge of the facts and matters relied upon in the Notice of Exemption; and that all representations set forth therein are true and correct to the best of his knowledge, information and belief.

  
Robert B. Burns

***COMMONWEALTH OF MASSACHUSETTS***

Subscribed and sworn to before me, a Notary Public in and for the Commonwealth of Massachusetts, Middlesex County, this 14<sup>th</sup> day of June, 2012.

  
Notary Public

My Commission Expires: 6/22/2018



RENEE M MCDONOUGH  
NOTARY PUBLIC  
COMMONWEALTH OF MASSACHUSETTS  
MY COMMISSION EXPIRES 06/22/2018